

# CITY OF SAN BRUNO

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567 El Camino Real  
San Bruno, CA 94066  
Voice: (650) 616-7074  
Fax: (650) 873-6749  
<http://www.ci.sanbruno.ca.us>

## STAFF

Terry Jackson, *Interim Community Development Director*  
Gary Binger, *Interim Planning Director*  
Aaron Akin, AICP, *Planning Manager*  
Mark Sullivan, AICP, *Housing and Redevelopment Manager*  
Beilin Yu, *Associate Planner*  
Lisa Costa-Sanders, *Contract Planner*  
Adam Finestone, *Recording Secretary*  
Pamela Thompson, *City Attorney*

## PLANNING COMMISSIONERS

Joe Sammut, *Chair*  
Sujendra Mishra, *Vice-Chair*  
Mary Lou Johnson  
Bob Marshall Jr.  
Kevin Chase  
Rick Biasotti  
Perry Petersen

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## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

June 21, 2005  
San Bruno City Hall  
Conference Room 115  
567 El Camino Real  
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:02 pm

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Sammut	X	
Vice Chair Mishra	X	
Commissioner Johnson	X	
Commissioner Marshall	X	
Commissioner Chase	X	
Commissioner Biasotti	X	
Commissioner Petersen	X	

### STAFF PRESENT:

Planning Division: Interim Community Development Director : Terry Jackson  
Housing and Redevelopment Manager: Mark Sullivan  
Planning Manager: Aaron Akin  
Associate Planner: Beilin Yu  
Interim Department Secretary: Adam Finestone

Outside Counsel: Karen Murphy

City Manager: Connie Jackson

**Commissioner Petersen arrived at 7:03pm**

**1. Approval of Minutes – June 7**

**Motion to Approve minutes of June 7, 2005 Planning Commission Meeting**

**Marshall/Biasotti**

VOTE: 5-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

**2. Communication**

Planning Manager Aknin introduced Karen Murphy, sitting in as staff counsel in the absence of City Attorney Thompson.

He also stated that two City staff members are currently at the Senior Center to redirect potential meeting attendees to City Hall, Conference Room 115, where this meeting is being held.

Additionally, he stated that the rebroadcast of this meeting will be at 2:00PM on Thursday, June 23, 2005.

**3. Public Comment**

None at this time.

**4. Senior Housing Parcel @ The Crossing**

**INFORMATION ITEM:**

The Applicant, KDF Communities, will provide the Planning Commission with additional information related to the affordable units in the 228 Unit Senior Housing Apartment Complex at the Crossing.

The Planned Development Permit for this building was approved at the February 15, 2005 Planning Commission meeting.

Ray Harper of KDF Communities, the applicant, gave a presentation outlining the affordability restrictions of the previously approved Planned Development Permit.

**Commissioner Johnson arrived a 7:07pm.**

## **5. 723 Pepper Drive**

Request for a Conditional Use Permit to allow a large family day care operation in a single family residential zone; per Section 12.84.200 of the San Bruno Zoning Ordinance. – John & Jaime Martin (Owner/Applicant)

Planning Manager Aknin entered staff report.

### **Commissioner Chase arrived at 7:09pm.**

Staff recommends approval of UP 05-27 based on Findings for Approval 1-9 and Conditions for Approval 1-14.

Planning Manager Aknin provided a letter of support from a neighboring property owner.

Jaime Martin, the applicant, briefly described her project.

Commissioner Johnson asked the applicant if she was getting an infant, toddler, preschool and school-age license since she would be serving children from 0 to 12. The applicant stated that she is not going to be running a pre-school, but instead is getting a license from the state to run a day care for up to 14 children, so long as she has an assistant. Commissioner Johnson clarified her question with regard to the licenses needed from the state to run a day care facility for children of different ages. The applicant stated that she currently has a license to operate a daycare for children aged 5 months to 4 years, but that she will be getting the license to serve children up to 12 years old.

Commissioner Johnson asked if the licensing board has been out to view the applicants property. She stated that upon approval from the Planning Commission, she will schedule an appointment for the licensing board to view her property again. (It was viewed once last year prior to the request for an increase in size.)

Commissioner Johnson asked the applicant about her parking plans. The applicant stated that she has a two-car garage where she and her husband park their own vehicle, and that her driveway accommodates two cars. She has also prepared information for the parents stating that they must pull into the driveway, leaving room for a second car in the driveway, to drop off and pick up their children. If both driveway spots are full, she has advised parents to park in front of the driveway. She is also aware that parents cannot just honk for their children, that they must sign their children in and out on a daily basis. This being the case, she feels the typical drop off and pick up would be about 5-10 minutes.

Chair Sammut asked if the applicant has read and agrees with the conditions of approval. The applicant replied in the affirmative.

Public comment opened

Public comment closed

Commissioner Petersen asked staff about a discrepancy between the required findings for approval and the findings as stated in the report. The required findings state that the facility must meet applicable fire and building code provisions, as well as applicable building standards adopted by the State Fire Marshall, but the second part of this finding is not in the report for approval. He asked if it would be prudent to add this to Finding for Approval #9. Planning Manager Aknin answered in the affirmative.

Commissioner Johnson asked for the addition of a condition of approval stating that the garage be off-limit to the children at the facility.

**Motion to approve Use Permit 05-27 Findings of Fact 1-9 and Conditions of Approval 1-14, with the addition of Condition 15 as noted, and the modification to Condition 9 as noted.**

**Petersen/Johnson**

VOTE: 7-0  
AYES: All Commissioners present  
NOES:  
ABSTAIN:

#### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, June 10, 2005, and legal notice published in the San Mateo Times, Saturday, June 11, 2005.
2. Notice of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor Expansion to Existing Facilities.
5. The use permit to operate a large family day care home at the house located at 723 Pepper Drive at is located in a residential district.

6. The use permit to operate a large family day care home at the house at 723 Pepper Drive will not result in undue negative impacts upon the neighborhood vicinity in terms of traffic, parking, and noise.
7. The subject property contains a driveway where at least two vehicles can be to allow children to be picked up or dropped off.
8. The existing home complies with applicable off-street parking standards of the zoning code since the subject property contains an attached two car garage
9. Based on a site inspection by Fire Department staff, with the conditions of approval, the existing home complies with applicable building and fire code provisions, and with the applicable building standards adopted by the State Fire Marshall.

### **CONDITIONS FOR APPROVAL**

#### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-27 shall not be valid for any purpose.
2. The request for a use permit for a large family day care home at 723 Pepper Drive shall operate according to plans approved by the Planning Commission on June 21, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. Parents and guardians dropping off and picking up children from the home shall be directed to not honk their car horn. Neighborhood noise complaints could result in this application being called back up to the Planning Commission for revocation.
4. Parents and guardians dropping off and picking up children from the home must park on the driveway when picking up and dropping off their children. In the event the driveway is not available, the parents shall use the parking area directly in front of the home.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. Children shall be supervised when outdoors to control noise levels.
7. The applicant shall obtain a license from the State of California to operate a large home family day care center.

8. The number of children shall be limited to a maximum of fourteen (14) at any one time, including any of the applicant's own children.
9. Children outdoors shall be supervised at all times.

### **Fire Department**

10. Provide illuminated address numbers.
11. Provide a manual pull station with a horn and strobe. Installation will require an electrical permit.
12. Provide two clear exit pathways to front sidewalk.
13. Provide single action locking devices on front and rear doors.
14. A fire extinguisher must be mounted on a wall in a visible location.

### **Planning Commission**

15. The garage shall be off-limits to all children at the facility.

Chair Sammut advised of 10-day appeal period.

## **6. 217 San Marco Avenue**

Request for a Conditional Use Permit to allow the construction of a new (second) residence onsite, which proposes to exceed Floor Area Ratio of .55 and to increase the Gross Floor Area by more than 50%, per Sections 12.200.030.B.1 and 12.200.030.B.2 of the San Bruno Zoning Ordinance. – Peter Alegria (Owner/Applicant)

**Commissioner Biasotti recused himself as he lives within 500 feet of the subject property.**

Associate Planner Yu entered staff report.

Staff recommends approval of Use Permit 05-29 based on Findings for Approval 1-9 and Conditions for Approval 1-18.

Commissioner Marshall asked for clarification of the minimum lot area required for 2 units in an R-2 zone. His understanding is that it is 5,800 square feet, where the chart shows the existing condition to be 6,460 square feet. Associate Planner Yu confirmed that the minimum lot size for 2 units in an R-2 zone is 5,800 square feet.

Javier Chaveria, the applicant's designer, briefly described the project.

Public comment opened

Public comment closed

Commissioner Petersen asked about Condition 7 requiring the garage to be used for storage of vehicles and not as additional living space. He stated that he has seen this condition worded differently in various staff reports, and asked whether it should also be conditioned to not allow storage of furniture or other articles. Planning Manager Aknin stated that that condition is typically added to projects that have come about as a result of a code enforcement case, and that it would be applicable to this case.

Commissioner Petersen complimented the applicant on the quality of his artwork as it allows the Commission to better understand the application.

**Motion to approve UP 05-29 subject to Findings of Fact 1-9 and Conditions of Approval 1-18, with the modification to Condition 7 as noted.**

**Petersen/Mishra**

VOTE: 6-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

#### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, June 10, 2005, and legal notice published in the San Mateo Times, Saturday, June 11, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed residence is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will compliment the existing structure and the proportions of the house are similar to other houses in the neighborhood.

6. The proposed residence will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the new residence is consistent with the San Bruno General Plan, which designates the property for low density residential purposes.
8. Existing off-street parking is adequate for the proposed residence.
9. Property is in the San Bruno Redevelopment Area and the proposed improvements are consistent with the San Bruno Redevelopment Plan.

## **CONDITIONS FOR APPROVAL**

### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-29 shall not be valid for any purpose. Use Permit 05-29 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for a new second dwelling shall be built according to plans approved by the Planning Commission on June 21, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The second residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. There can be no more than two units on site.



7. The two garages shall be used for the storage of four (4) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code, or for the storage of furniture or any other items. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Prior to the issuance of the building permit for the second residence, the applicant must obtain a demolition permit and remove the two illegal accessory structures from the subject property.

### **Department of Public Works**

9. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
10. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through an under sidewalk curb drain to the gutter.
11. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
12. Replace all broken or raised concrete in sidewalk or driveway approach as marked per San Bruno Municipal Code 8.12.010, City Standards 7 & 8.
13. No fence, retaining wall or other permanent structures to be placed within 2' from back of sidewalk. San Bruno Municipal Code 8.08.010.
14. Paint address number on face of curb near driveway approach. Black lettering on white background.
15. Planting of one (1) 36-inch box size tree or payment of equal value to tree fund for trees and installation.
16. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter.

### **Fire Department**

17. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
18. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

Chair Sammut advised of 10-day appeal period.

**Commissioner Biasotti returned to the room.**

**7. 170 Santa Barbara Place**

Request for a Conditional Use Permit to allow the construction of a first and second story addition, which proposes to exceed a gross floor area of 2,800 square feet with a two car garage, per Section 12.200.080.B.3 of the San Bruno Zoning Ordinance. – Alvaro Romero (Applicant), Ravin Sen Raj (Owner)

Associate Planner Yu entered staff report.

Staff recommends approval of Use Permit 05-30 based on Findings for Approval 1-8 and Conditions for Approval 1-13.

Commissioner Johnson asked if the existing fence would fall into compliance with the potential new fence ordinance. Planning Manager Aknin stated that at this point, staff does not have exact specifics of the potential fence ordinance, as it would have to be approved by both the Planning Commission and the City Council. Staff will likely propose a fence ordinance allowing a maximum six foot fence with a maximum 2 foot trellis, so the subject fence would fall into compliance with the potential ordinance.

Commissioner Petersen asked if the applicant could put a 1 foot addition onto the existing fence under the current ordinance. Associate Planner Yu answered in the affirmative.

Raj, representing his father (the applicant), briefly described his project. He stated that he was unaware of any issues with regard to the fence, but would not have a problem with addressing them.

Commissioner Johnson asked the applicant what he meant by awkward, as he stated during his description of the project. The applicant stated that if he were to reduce the project by the 96 square feet required to avoid the Planning Commission process, it would make the living room and bedrooms much smaller than the way they envisioned when designing the addition.

Commissioner Sammut asked if the house currently had a two-car garage, and two parking spaces available in the driveway. The applicant answered in the affirmative, and added that they may be able to fit four cars in the driveway as it is fairly long.

Commissioner Marshall asked about the fire place being added in master bedroom, specifically that he did not see it in the elevations. He recommended making a condition of approval to reflect this in the building division set of plans.

Public comment opened

Public comment closed

Commissioner Johnson addressed the fence in the rear. She asked staff of their expectation of timing for the upcoming fence ordinance revision. Planning Manager Aknin stated that it will probably be 3-4 months before the fence ordinance comes before the Commission and City Council. He also stated that privacy concerns would not change much by increasing the fence by 1 foot. He recommended that the applicant and his neighbor return to the commission, if necessary, with a proposal after the new fence ordinance is enacted.

Motion to Approve Use Permit 05-30 subject to Findings of Fact 1-8 and Conditions of Approval 1-13.

The motion was amended to include a condition to revise the plans to reflect the additional fire place in the master bedroom.

### **Johnson/Biasotti**

VOTE: 7-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

### **FINDINGS OF FACT**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, June 10, 2005, and legal notice published in the San Mateo Times, Saturday, June 11, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will compliment the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the

neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single family residential purposes.
8. The off street parking is adequate for the proposed residence.

## **CONDITIONS OF APPROVAL**

### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-30 shall not be valid for any purpose. Use Permit 05-30 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for the construction of an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on June 21, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.

### **Department of Public Works**

7. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through an under sidewalk curb drain to the gutter.

8. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
9. Planting of one (1) 36-inch box size tree or payment of equal value to tree fund for trees and installation.
10. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in right-of-way.
11. No fence, retaining wall or other permanent structures to be placed within 4'-6" from back of sidewalk. San Bruno Municipal Code 8.08.010.
12. During the Building/Planning Review or site visit, it was noticed that you have a wall behind the sidewalk built within the City public right-of-way. In accordance with San Bruno City Code Section 8.08.010 and or Section 5.04.070, this structure is prohibited. You are not required to remove it at this time, you need to be aware that it may be located over top of a public utility. If an emergency does arise that requires City or approved contractor crews to access this utility, the City and or contractor, will not be responsible for any cost associated with the removal or repair of the structure.

#### **Fire Department**

13. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

Chair Sammut advised of 10-day appeal period.

#### **8. 468 Chestnut Avenue**

Request for a Conditional Use Permit to allow construction of an addition, which proposes to exceed Floor Area Ratio of .505, and a Minor Modification to exceed Lot Coverage of 40.4% up to 48%, per Sections 12.200.030.B.2 and 12.120.010.A.1 of the San Bruno Zoning Ordinance. – George Dayeh (Applicant/Architect), Mr. and Mrs. Salti Ibrahim (Owner)

**Commissioner Marshall recused himself from this hearing as he works in the same office as the applicant.**

Planning Manager Aknin entered staff report. He also gave background of the project and described the concerns addressed at a neighborhood meeting mediated by the Peninsula Conflict Resolution Center.

Staff recommends approval of Use Permit 05-13 and Minor Modification 05-06 based on Findings for Approval 1-10 and Conditions for Approval 1-16.

Salti Ibrahim, the owner, described his project. He stated that he did everything he could to accommodate his neighbors. He thanked the commission for their consideration.

Chair Sammut asked for a motion from the Commission to reopen the public hearing.

**Motion to reopen the public hearing.**

**Johnson/Chase**

VOTE: 6-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

Chair Sammut emphasized the 3 minute time limit for public comments.

Randy Sieg, 464 Chestnut Avenue, believes that miscommunication has caused a lot of the concerns with regard to this project. He believes that the concerns could have been alleviated if the recommendations of the Architectural Review Committee had been acted upon. He stated that the project is not in keeping with the character of the neighborhood as viewed toward the west. He also addressed the Peninsula Conflict Resolution meeting, with his belief that the concerns brought up at the meeting were not adequately addressed, and that the meeting was called short prior to all concerns being heard. He stated that he does not oppose the building renovation, so long as the above-stated concerns be taken into consideration.

Barnadine Fernize, 457 Chestnut, referred to letters of June 10 and June 20 from City staff. The first stated that the roof-pitch had been reduced from 4:12 to 3:12, and the second that it had been reduced from 4:12 to 2:12. She asked for clarification on the roof pitch. Planning Manager Aknin stated that a 2:12 pitch would be less high than a 3:12 pitch, so the roof is lower than originally planned.

Harold Green, 456 Chestnut, stated that his main concern is for the greenbelt between Chestnut and Beech. He referenced a project further down the street that was approved by the Planning Commission that blocked sunlight to the property below it. He feels that the project under consideration will do the same to the project below it.

Rod Tosetti, 467 Chestnut, quoted the staff report from the May 3<sup>rd</sup> Planning Commission hearing on this project. It stated, "The minor... detrimental to adjacent properties." He also stated that a petition was signed by approximately 11 neighboring property owners that asked for a special meeting with the Commission to discuss this project, which has yet to be addressed. He referenced the aerial photograph given to staff, which shows that this building would take up a tremendous amount of the lot. He believes that this building, at 75 feet long, would come closer to having a 75% lot coverage than a 48% lot coverage as stated in the report. He also addressed the rear height measurement which shows the house from this perspective at 32 feet tall. He stated that he and Mr. Sieg measured Mr. Sieg's house from the rear, as it is identical to

the house under question, and that the figure they came up with is 40 feet. He also addressed the supposed crawl space in the bottom portion. Since the elevations show a full-size door, he believes that it will provide livable space with 8 foot ceilings. He praised the applicant for lowering the roof from a 4:12 pitch to a 2:12 pitch, but feels that the other issues stated above need to be addressed. He feels the can be addressed if the Commission would hold a special meeting, advertised per the Brown Act, where the neighbors could discuss the project with the Commission.

Public comment closed

Commissioner Johnson asked staff if they had attended the Peninsula Conflict Resolution Center meeting, and if it was in fact cut short. Planning Manager Akinin stated that he was in attendance, and that the meeting lasted about 2 hours and 45 minutes. While numerous concerns were brought up during that meeting, resolution of those concerns did not happen. Instead, staff attempted to achieve adequate resolution in the redesign of the project. Commissioner Johnson asked if Planning Manager Akinin felt all the issues had been addressed, since one of the public comments stated tht only 3 of the 17 issues had been addressed. Planning Manager Akinin stated that the issues had been addressed to the extent that they could be. He stated that short of not building this project, there would be no way to address all the issues.

Commissioner Johnson asked staff if they were aware of the applicant's attempt to build upward instead of backward. Planning Manager Akinin stated that he was aware that the applicant had contacted a couple of neighbors regarding this idea, but that not all the neighbors had been contacted at that point.

Commissioner Biasotti addressed the mass of the building from the property to the rear. He stated that he has been in the backyard of the property to the rear of the subject property, and that, due to the slope of the lots, the subject house would appear extremely massive from behind.

Commissioner Petersen stated that this is a hilly area of town. He stated that the benefits of hilly areas are the views they provide. He also addressed the challenges of hilly areas, such as drainage, foliage, and views. He stated that any building either uphill or downhill will either create a shadow or block a view. There are both benefits and challenges to living in hilly areas. He also stated that the applicant is within most regulations of the zoning code, with only a few outstanding. Staff has worked with the applicant to modify the roof height and slanting from the rear. His opinion is that most of the dissatisfaction is due to the terrain, not the proposed project. He believes the applicant has made some valuable concessions to alleviate the neighbors concerns, but that it would be impossibility to address all the concerns and still build the project.

Chair Sammut addressed the usual condition concerning rainwater drainage to the street that is not in this staff report. Planning Manager Akinin stated that this condition was inadvertently left out. Chair Sammut suggested adding it as Condition for Approval 17.

**Motion to approve Use Permit 05-03 and Minor Modification 05-06 subject to Findings of Fact 1-10 and Conditions of Approval 1-16, with the addition of Condition of Approval 17 as stated above.**

**Petersen/Mishra**

VOTE: 5-1  
AYES: Sammut, Mishra, Petersen, Johnson, Chase  
NOES: Biasotti  
ABSTAIN:

**FINDINGS OF FACT**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, June 10, 2005, and legal notice published in the San Mateo Times, Saturday, June 11, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed additions is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed additions will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the additions is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
8. The off-street parking is adequate for the proposed residence.



9. Because the addition will be constructed to the rear of the existing residence and will not increase the apparent bulk and mass of the existing structure from the street of access, the general appearance of the proposed building and the approval of the minor modification to allow the lot coverage to exceed 40.4% will be in keeping with the character of the neighborhood.
10. Because the additions will not encroach any closer to the side property lines, and still maintain the required rear yard setback, the approval of the minor modification to allow the lot coverage to exceed 40.4% will not be detrimental to adjacent property.

## **CONDITIONS OF APPROVAL**

### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-13 and Minor Modification 05-06 shall not be valid for any purpose. Use Permit 05-13 and Minor Modification 05-06 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on June 21, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence and garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of two (2) motor vehicle and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which

may result in substantial code compliance costs to bring the garage back into conformance.

8. The proposed basement area ceiling height shall not exceed 7'5".

### **Department of Public Works**

9. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
10. A sanitary sewer lateral clean-out shall be installed at property line, per City standards detail SS-01.
11. All broken or raised concrete in sidewalk or driveway approach shall be replaced.
12. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in right-of-way.
13. No fence, retaining wall or other permanent structures to be placed within 2'-2" from back of sidewalk. San Bruno Municipal Code 8.08.010.
14. During the Building/Planning Review or site visit, it was noticed that you have a brick planter built within the City public right-of-way. In accordance with San Bruno City Code Section 8.08.010 and or Section 5.04.070, this structure is prohibited. You are not required to remove it at this time, you need to be aware that it may be located over top of a public utility. If an emergency does arise that requires City or approved contractor crews to access this utility, the City and or contractor, will not be responsible for any cost associated with the removal or repair of the structure.

### **Fire Department**

15. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
16. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

### **Planning Commission**

17. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through an under sidewalk curb drain to the gutter.

Chair Sammut advised of 10-day appeal period.

**Commissioner Marshall returned to the room.**

## 9. Crossing Parcels 9 & 10

Request for Amendments to the U.S. Navy Site And Its Environs Specific Plan and the Development Agreement between the City Of San Bruno and Martin/Regis San Bruno Associates, L.P., and an Addendum to the adopted Specific Plan EIR to allow for new "ECR Commercial Overlay" land use designation on Parcels 9 & 10 of The Crossing San Bruno Project Site; Martin/Regis San Bruno Associates, L.P. (owner/developer)

Housing and Redevelopment Manager Sullivan entered staff report.

Staff recommends approval of a resolution to forward amendments to the U.S. Navy Site And Its Environs Specific Plan and the Development Agreement between the City of San Bruno and Martin/Regis San Bruno Associates, L.P.

Chair Sammut recalled that the hotel was one of the main aspects of the specific plan when it was originally approved. He believes that since that time, the hotel has been watered down. His belief is that the overlay zone on the hotel site provides the developer with an out to not develop the hotel. He asked if how staff feels about this aspect of the overlay zone, and if they believe the developer has an out with regard to the hotel. Housing and Redevelopment Manager Sullivan stated that the hotel designation still exists, and that the site is still larger enough to house the size of hotel the City desires. He stated that the reason for the delay in the hotel piece of the specific plan is due to the hotel market at this time. The hotel market at this point is not ready to invest in the type of hotel the City is looking for. He also believes that the non-residential portion of the project is extremely important. He stated that when the hotel market is ready, staff believes this will be a desirable location for a hotel.

Chair Sammut asked how long the City is willing to wait for the hotel market to pick back up before they fill the hotel site with a different use. Housing and Redevelopment Manager Sullivan stated that he feels the market will turn around and the site will be developed as a hotel in the not too distant future. He also referred this question to the developer for a better time-frame on the potential development of a hotel.

Drew Hudacik, representing the developer Martin Regis, addressed the hotel aspect of the specific plan. He stated that if at any time a hotel steps forward to develop the site, an potential retail project could be shelved. He also stated that the hotel site will remain a hotel site for as long as it takes to get a hotel in there. He also believes that, with the residential and commercial development taking place, this will be an attractive site for hoteliers. He also stated that he tax increment being created by the overall project can give the City the ability to provide assistance to a hotelier if that is something they would like to do.

Chair Sammut also addressed the term "Parking Overflow" that has been used tonight. He believes that is something that shouldn't happen with a new development. He asked the applicant what he feels the likelihood of needing overflow parking would be. The applicant stated that there are a number of parking spaces on private streets within the

Crossing project that can be assigned to specific sites. There are currently about 30 such unassigned spaces that can be assigned to sites as needed. If the retail site could not park itself, these 30 spaces could be assigned to the retail site.

Commissioner Johnson asked if there was a possibility to have the future employees park onsite so they don't take up the street parking. The applicant stated that there is a potential for that, depending on the project that would be proposed for the retail site. If 10,000 square feet of retail space is proposed, parking can be accommodated on-site. However, if 20,000 square feet of retail space is proposed, overflow parking would be necessary.

Commissioner Johnson also asked how visitor parking is assigned. The applicant stated that each land-use has its own visitor parking requirements, and that those are included in the necessary number of parking spaces. There is a specific formula to these requirements.

Commissioner Marshall asked what landscaping would look like if hotel does not come for 10 years. The applicant stated that the hotel site is currently used as a staging area for construction of other parts of the site, and that if the situation Commissioner Marshall is envisioning occurs, they would be willing to consider some sort of landscaping. He stated that at the moment, there are no plans to landscape the site prior to it being developed.

Public comment opened

Public comment closed

Commissioner Chase asked if there was a requirement to go back to the City Council to address landscaping for the hotel site if it was not developed in a timely manner. Planning Manager Aknin stated that at this point, there was not, since landscaping is addressed with each individual Planned Development Permit. Commissioner Chase then asked if there were a possibility of addressing the landscaping aspect within the existing specific plan or development agreement. Outside Counsel Murphy stated that there is currently no provision for landscaping of undeveloped planning areas within the Crossing site, but that the Commission could add it to their recommendation to the City Council, or at a later date.

Commissioner Marshall asked if the last project prior to the hotel site could be conditioned to landscape the hotel site if a proposal to develop it did not come to staff within a specified amount of time. Outside Counsel Murphy stated that it may be difficult to require one project to landscape an area they are not working on. She stated that it will hopefully not be an issue, but that it could be addressed by all parties involved at a later date if that does become an issue.

Commissioner Chase stated that he does not feel that landscaping needs to be addressed with this particular amendment, but that it will need to be addressed before everything is said and done. He asked for clarification on if the landscaping issue could

be addressed at a later date. Outside Counsel Murphy stated that it could be addressed at a later date.

Commissioner Petersen asked staff to bring the landscaping issue up with the City Council when this amendment goes before them.

Commissioner Petersen asked staff if they could see the resolution. Planning Manager Akin stated that the resolution is being copied and should be here shortly.

In the meantime, Chair Sammut suggested choosing Architectural Review Committee members for the July 14<sup>th</sup> ARC meeting. Planning Manager Akin stated that this ARC meeting will include the redevelopment of the Treetops apartment complex, and that staff will attempt to keep the agenda fairly small as this item may take a significant amount of time.

Commissioners Mishra, Biasotti, and Chase volunteered. Chair Sammut will serve as the alternate.

Planning Manager Akin stated that there will only be one Planning Commission meeting in July, and it will be at the Senior Center on July 19<sup>th</sup>.

Commissioner Johnson asked if the Planning Commission would still meet on the first and third Tuesdays in August even though there are five Tuesdays. Planning Manager Akin answered in the affirmative.

Commissioner Petersen summarized the resolution, and read the specific amendments it entailed.

Motion to adopt Resolution 05-03 and waive the reading of said resolution.

Petersen/Chase

Roll Call Vote:	Sammut	Aye
	Mishra	Aye
	Biasotti	Aye
	Chase	Aye
	Johnson	Aye
	Marshall	Aye
	Petersen	Aye

Resolution passes 7-0

## **10. City Staff Discussion**

July 14<sup>th</sup> ARC attendees: Mishra, Biasotti, Chase, alternate: Sammut

The next Planning Commission meeting will be July 19<sup>th</sup>, 2005.

## **11. Planning Commission Discussion**

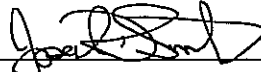
Biasotti thanked staff and fellow commissioners for their help and patience with him being the new kid on the block.

## **12. Adjournment**



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**Terry Jackson,**  
Interim Secretary to the Planning  
Commission  
City of San Bruno



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**Joe Sammut, Chair**  
Planning Commission  
City of San Bruno

NEXT MEETING: July 19, 2005

TJ/af

Meeting was adjourned at 8:40pm

July 14 ARC – Mishra/Biasotti/Chase; Sammut alternate